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7	Attorneys for Comptainant		
8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF C	LALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 3 2013-506	
12	CHRISTOPHER ERFE BELINO		
13	753 N. Cole Ave, #101 Los Angeles, CA 90038	ACCUSATION	
14	Registered Nurse License No. 763786		
15	Respondent.		
16			
17	Complainant alleges:	·	
18	<u>PARTIES</u>		
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
21	Consumer Affairs.		
22	2. On or about December 3, 2009, the Board of Registered Nursing issued Registered		
23	Nurse License Number 763786 to Christopher Erfe Belino (Respondent). The Registered Nurse		
24	License was in full force and effect at all times relevant to the charges brought herein and will		
25	expire on October 31, 2013, unless renewed.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Section 2761, subsection (a), of the Code states, in pertinent part, that the Board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for unprofessional conduct.
 - 7. Section 726 provides, in pertinent part:

"The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division, under any initiative act referred to in this division and under Chapter 17 (commencing with Section 9000) of Division 3."

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Sexual Misconduct with a Patient)

9. Respondent is subject to disciplinary action under section 2761, subsection (a), in conjunction with section 726, in that Respondent engaged in unprofessional conduct with respect to his treatment of Patient D.S. on or about August 5, 2011. The circumstances are that on or about August 5, 2011, while working as a registered nurse at Hollywood Presbyterian Medical Center, Respondent committed acts of sexual misconduct with a patient by fondling the penis of Patient D.S. and engaging in sexual dialog with Patient D.S. During the Los Angeles Police Department's (LAPD) subsequent investigation into the incident, Respondent provided false and untruthful information to officers, including false statements made during a polygraph examination. Respondent later recanted his statements and admitted to LAPD officers that he had inappropriately touched the penis of Patient D.S. in a sexual manner. During the course of the LAPD's investigation, Patient D.S. died, and the District Attorney's Office ultimately failed to prosecute Respondent for sexual battery.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - False Information to Investigators)

10. Respondent is subject to disciplinary action under section 2761, subsection (a), in that Respondent engaged in unprofessional conduct with respect to false information he provided to LAPD officers investigating his treatment of Patient D.S. on or about August 5, 2011. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 8, inclusive, as though set forth fully herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 763786, issued to Christopher Erfe Belino;
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1	2. Ordering Christopher Erfe Belino to pay the Board of Registered Nursing the	
2	reasonable costs of the investigation and enforcement of this case, pursuant to Business and	
3	Professions Code section 125.3;	
4	3. Taking such other and further action as deemed necessary and proper.	
5		
6	DATED: December 20 2012 Louise R. Bailey	
7	LOUISE R. BAILEY, M.ED., RN	
8	Executive Officer Board of Registered Nursing	
9	Department of Consumer Affairs State of California	
10	Complainant	
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Accusation